

Ordinance No. 121049

Council Bill No. 114384

AN ORDINANCE vacating a portion of the alley in Block 5, Heirs of Sarah A. Bell's Addition to the City of Seattle, on the petition of Seventh & Olive, Inc and Stewart Avenue Properties and accepting easements for traffic control devices and alley access, in connection therein, (Clerk File 302587).

The City of Seattle - Legislative Department
Council Bill/Ordinance sponsored by: CO

Committee Action:

12/17/02 - Unanimously approved 3-0
Wills, Holman, McCreary

1-6-03 Passed 8-0 (Excused)

This file is complete and ready for presentation to Full Council. Com

Law Department

Law Dept. Review

OMP
Review

City Clerk
Review

CF No. _____	
Date Introduced: <u>OCT 28 2002</u>	
Date 1st Referred: <u>OCT 28 2002</u>	To: (committee) TRANSPORTATION
Date Re - Referred:	To: (committee)
Date Re - Referred:	To: (committee)
Date of Final Passage: <u>1-6-03</u>	Full Council Vote: <u>8-0</u>
Date Presented to Mayor: <u>1-7-03</u>	Date Approved: <u>1/16/03</u> <i>KC</i>
Date Returned to City Clerk: <u>1/17/03</u>	Date Published: <u>1/16/03</u> <i>SP</i> T.O. <u> </u> P.T. <u> </u>
Date Vetoes by Mayor:	Date Veto Published:
Date Passed Over Veto:	Veto Sustained:

me
The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: CONLIN

Richard Conlin
Councilmember

Block 5, Heirs of Sarah A. Bell's Addition to
Olive, Inc. and Stewart Avenue
control devices and alley access, in

Committee Action:

12/17/02 - Unanimously approved 3-0
Wills, Conlin, McIver

1-6-03 Passed 8-0 (Excused: McIver)

ATION

This file is complete and ready for presentation to Full Council.

Committee:

RC 12/17
(initial/date)

Law Department

Law Dept. Review

OMP
Review

(Signature)
City Clerk
Review

(Signature)
Electronic
Copy Loaded

Indexed

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
IT IS DUE TO THE QUALITY OF THE DOCUMENT.

ORDINANCE 121049

AN ORDINANCE vacating a portion of the alley in Block 5, Heirs of Sarah A. Bell's Addition to the City of Seattle, on the petition of Seventh & Olive, Inc. and Stewart Avenue Properties and accepting easements for traffic control devices and alley access, in connection therein, (Clerk File 302587).

WHEREAS, there has been filed with the City Council the petition of Seventh & Olive and Stewart Avenue Properties (Clerk File 302587), for the vacation of a portion of the alley in Block 5, Heirs of Sarah A. Bell, as herein fully described; and

WHEREAS, following a public hearing on said petition, which commenced on October 20th, 1998, said petition was conditionally granted; and

WHEREAS, pursuant to Section 35.79.030, RCW, Seattle Municipal Code Chapter 15.62, the petitioner has paid \$125,000 to the City, which amount is one-half the appraised value of the property approved for vacation, according to an appraisal obtained by the Director of the Seattle Department of Transportation; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That

The portion of the alley described as the north 119 feet of the alley in Block 5, Heirs of Sarah A. Bell's Addition to the City of Seattle, as recorded in Volume 1 of Plats, page 103, Records of King County, Washington, being the alley in the block bounded by Olive Street, Seventh Avenue, Stewart Street, and Eighth Avenue

be and the same are hereby vacated; also RESERVING to the City of Seattle the right to make all necessary slopes for cuts or fills upon the above-described property in the reasonable original grading of any rights-of-way abutting upon said property after said vacation.

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MoirGray/mg
Block5VacOrd
9/11/02
version #1

1 Section 2. That the easement for traffic control devices, Recording Number
2 20010105001610, attached hereto as Attachment A, is hereby accepted.

3 Section 3. That the easement for alley access Recording Number 20020325002050,
4 copy attached hereto as Attachment B, guaranteeing public access to the vacated alley is hereby
5 accepted.

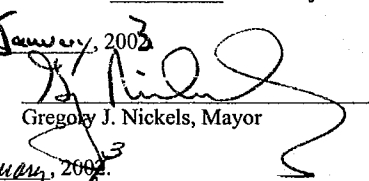
6 Section 4. That the City Clerk is hereby authorized and directed to file a copy of this
7 Ordinance at the King County Records and Elections Division, and to deliver copies of the same
8 to the Director of the Department of Design, Construction and Land Use, and to the King County
9 Assessor's Office.

10 Section 5. This ordinance shall take effect and be in force thirty (30) days from and after
11 its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days
12 after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

13
14 Passed by the City Council the 6th day of January, 2003, and signed by me in
15 open session in authentication of its passage this 6th day of January, 2003

16
17 
18 President _____ of the City Council

19 Approved by me this 16 day of January, 2003

20 
21 Gregory J. Nickels, Mayor

22 Filed by me this 17th day of January, 2003

23 
24 City Clerk

25 (Seal)
26
27
28



Attachment List

AN ORDINANCE vacating a portion of the alley in Block 5, Heirs of Sarah A. Bell's Addition to the City of Seattle, on the petition of Seventh & Olive, Inc. and Stewart Avenue Properties and accepting easements for traffic control devices and alley access, in connection therein, (Clerk File 302587).

Attachment A: Easement for Traffic Control Devices (not available on disk), Recording Number 20010105001610

Attachment B: Public Access Easement, Recording Number 20020325002050

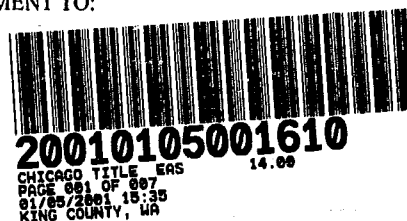
NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
IT IS DUE TO THE QUALITY OF THE DOCUMENT.



ATTACHMENT A

AFTER RECORDING RETURN DOCUMENT TO:

SEATTLE TRANSPORTATION
Moir Gray
600 Fourth Avenue, Room 410
Seattle, WA 98104



2001 010 5001610

Reference Number of Related Document: N/A
Grantor(s): Stewart Avenue Properties; 1700 Seventh L.P.
Grantee(s): City of Seattle
Abbreviated Legal Description: Alleyway abutting Lots 5, 6, 7 and 8, Block 5, Heirs of Sarah A. Bell's Addition to the City of Seattle, Vol. 1 of Plats, Pg. 103, King County, Washington
Additional Legal Description is on Page(s) 2 of Document
Assessor's Property Tax Parcel or Account No.: 065900-0255 and 065900-0265

EASEMENT AGREEMENT

14⁰⁰
CHICAGO TITLE INS. CO.
REF# W01-01003-10

The undersigned Grantors, STEWART AVENUE PROPERTIES, a California general partnership, and 1700 SEVENTH L.P., a Washington limited partnership, insofar as they have rights or title, or any hereafter acquired rights or title, for and in consideration of mutual benefits and other good and valuable consideration, the receipt of which is hereby acknowledged, do hereby grant and convey unto the CITY OF SEATTLE ("Grantee"), whose address is Municipal Building, 600 Fourth Avenue, Seattle, Washington 98104, its successors, assigns, lessees, licensees and agents, a perpetual, non-exclusive easement upon, over and under the "Easement Area" to repair, reconstruct, modify, change, add to, operate, maintain and remove the existing cables and ducts assigned to signal operations located in the "Easement Area." The Easement Area is hereby defined as the portion of the alley in Block 5, Sarah A. Bell's Addition to the City of Seattle, to be vacated under City Ordinance and legally described as land situated in the City of Seattle, County of King, State of Washington, pursuant to which vacation the Grantors shall thereafter acquire fee title thereto, to wit:

G:\WORDSTRM\780.001\DOCS\EASMTST05.DOC

EXCISE TAX NOT REQUIRED
King Co. Records Division
By [Signature] Deputy



NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

That portion of Block 5, Heirs of Sarah A. Bell's Addition to the City of Seattle, Volume 1 of Plats, Page 103, said portion being more particularly described as follows: All of the 16' wide alleyway abutting Lots 5, 6, 7 and 8 in said Block 5, situated in King County, Washington.

Grantors further convey to Grantee the following incidental rights:

- (1) A temporary right of way in the Easement Area to be used during all periods of construction, reconstruction, reinforcement, repair and removal.
- (2) The non-exclusive right of ingress and egress over and across the lands of Grantors to and from the above-described property for access to the Easement Area.

Except in case of outages or other emergencies, when no notice shall be required, Grantee shall give Grantors no less than 10 business days written notice of its intention to exercise its rights hereunder.

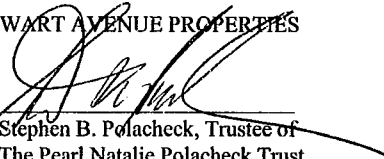
Grantee understands and recognizes that Grantors are developing Grantors' property as of the date hereof. Grantors reserve the right to occupy and use the Easement Area for construction of the project approved under MUP No. 9606528 and for all other purposes not inconsistent with the rights herein granted.

The rights, conditions and provisions of this easement shall inure to the benefit of and be binding upon the heirs, executors, administrators, successors and assigns of the respective parties hereto.

Dated this 29th day of September, 2000.

GRANTORS:

STEWART AVENUE PROPERTIES

By: 
Stephen B. Polacheck, Trustee of
The Pearl Natalie Polacheck Trust,
General Partner

2001 010 5001610

By: [Signature]
Stephen Robbins, Trustee of
The Mitzi Miriam Robbins Trust,
General Partner

By: Helen A. Davis, Jr.
Helen A. Davis, Trustee of
The Helen Augusta Davis Trust,
General Partner

1700 SEVENTH L.P.

By: CLISE VENTURE ONE LLC,
a Washington limited liability
company, its general partner

By: CLISE PROPERTIES, INC., its Member

By: [Signature]
Name: Richard F. Stevenson
Title: Treasurer

2001 010 5001610

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
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CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

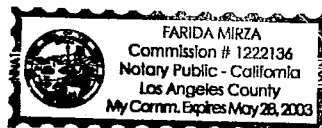
State of California

County of Los Angeles } ss.

On 9/29/00, before me, Faith Marn
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared Stephen Robbins
Name(s) of Signer(s)

- ☐ personally known to me
☒ proved to me on the basis of satisfactory evidence



to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or one entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Place Notary Seal Above

Faith Marn
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

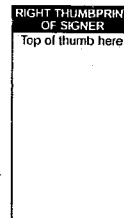
Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer

Signer's Name: _____

- ☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____



NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

2001 010 5001610

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of

Los Angeles

} ss.

On

9/27/00

before me,

Faizda Mirza, Notary Public

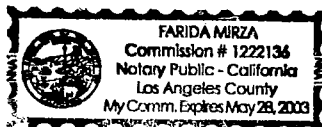
personally appeared

Helen A. Davis

Name(s) of Signer(s)

☒ personally known to me

☐ proved to me on the basis of satisfactory evidence



to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Faizda Mirza

Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____

Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer

Signer's Name: _____

☐ Individual

☐ Corporate Officer — Title(s): _____

☐ Partner — ☐ Limited ☐ General

☐ Attorney in Fact

☐ Trustee

☐ Guardian or Conservator

☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

2001 010 5001610

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CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California }
County of Los Angeles } ss.
On 9/29/00, before me, Farida Mirza
Name and Title of Officer (e.g., "Jane Doe, Notary Public")
personally appeared Stephen B. Polachek
Name(s) of Signer(s)

☐ personally known to me
☒ proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Farida Mirza
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

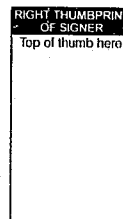
Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer

Signer's Name: _____
☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____



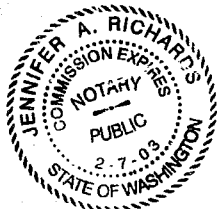
2001 010 500161G

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

I certify that I know or have satisfactory evidence that Richard H. Stevenson is the person who appeared before me, and said person acknowledged that said person signed this instrument, on oath stated that said person was authorized to execute the instrument and acknowledged it as the Treasurer of CLISE PROPERTIES, INC., a Washington corporation, the member of CLISE VENTURE ONE LLC., a Washington limited liability company which is the general partner of 1700 SEVENTH L.P., the limited partnership that executed the within and foregoing instrument, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated this 17th day of November, 2000.



Jennifer A. Richards
(print or type name)
NOTARY PUBLIC in and for the State of
Washington, residing at 154 Aquila
My Commission expires: 2/7/03

2001 010 5001610

03/28/2002 16:20 FAX 2064483444

PHILLIPS McCULLOUGH

002/011

03/28/2002 16:50 FAX 206 448 62

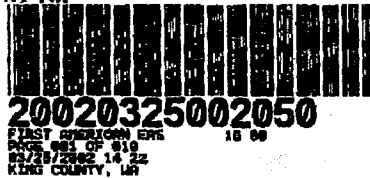
UNIT 5

002

ATTACHMENT B

AFTER RECORDING RETURN DOCUMENT TO

G Richard Hill
Phillips McCullough Wilson Hill & Fiks
2025 First Avenue, Suite 1130
Seattle, Washington 98121



Reference Number of Related Document N/A

Grantor(s) 1700 Seventh L P, Housing Resources Group, Eighth & Stewart Limited Partnership

Grantee(s) City of Seattle

Abbreviated Legal Description Lots 5-8, Block 5, Sarah A Bell's Addition to the City of Seattle, Vol 1 of Plats, Page 103, King County, Washington

Additional Legal Description is on Exhibits A, B and C of Document

Assessor's Property Tax Parcel or Account No 065900-0255-06, 065900-0265-04, 065900-0235-01

2002 032 5002050

ALLEY ACCESS EASEMENT

THIS ALLEY ACCESS EASEMENT ("Easement"), dated as of March 19, 2002, is executed by 1700 Seventh L P, a Washington limited partnership ("1700 Seventh"), HOUSING RESOURCES GROUP, a Washington nonprofit corporation ("HRG"), and EIGHTH & STEWART LIMITED PARTNERSHIP, a Washington limited partnership ("Eighth & Stewart") (together, "Grantors")

(10)
This instrument filed for record by
First American Title Insurance Company
is an accommodation only. It has not
been examined as to its execution or
as to its effect upon the title

C-1146

C:\DOCUMENTS AND SETTINGS\BANK\LOCAL SETTINGS\TEMPORARY INTERNET FILES\ALLEYEASEMENT02.DOC

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.



03/28/2002 16:21 FAX 2064483444
03/28/2002 16:51 FAX 206 448 8

PHILLIPS McCULLOUGH
UNIT 5

003/011
003

RECITALS

A 1700 Seventh is the owner of the real property legally described on Exhibit A attached ("Office Parcel"), and HRG is the owner, and Eighth & Stewart is the lessee, of the real property legally described on Exhibit B attached ("Housing Parcel") (together, the "Property")

B 1700 Seventh and HRG filed a petition (C F 302587) with the City of Seattle ("City") pursuant to RCW Ch 35 79 and Seattle Municipal Code Ch 15 62 and the City Street Vacation Policies for the vacation of that portion of the alley abutting the Property and legally described on Exhibit C attached ("Vacated Alley")

C Following a public hearing on the vacation, on October 26, 1998, the petition was granted, with conditions, by the City Council

D The City Council imposed the condition that alley access to the building commonly known as the 720 Olive Building located on Lots 9, 10, 11 and 12 of Block 5, Sarah A. Ball's Addition to the City of Seattle ("720 Olive Building") and to the public shall be preserved ("Alley Access Condition")

E Grantors are recording this Easement to satisfy the Alley Access Condition

AGREEMENTS

NOW, THEREFORE, in consideration of the vacation of the Vacated Alley, Grantors hereby covenant, bargain and agree on behalf of themselves and their successors and assigns as follows

1 Owners shall preserve access to the 720 Olive Building from, and shall preserve public access over, the Vacated Alley, 24 hours per day, 7 days per week. Unavoidable closures for ordinary maintenance and repair of the alley surface, underground utilities and the improvements adjoining the alley may occur subject to being coordinated with, and approved by, the City Department of Transportation Street Use Permit Section (or its successor) and all abutting property owners. Such approval shall not unreasonably be withheld. Temporary closure of the alley by public or private utility entities for purposes of installation, maintenance and repair of public or private utilities shall not require such prior coordination and approval.

2 This Easement shall be recorded in the record of King County and shall be deemed to attach to and run with the Property and shall be binding upon Grantors,

C:\DOCUMENTS AND SETTINGS\BEN\LOCAL SETTINGS\TEMP\PRIVATE\FILE\OLIVEALLEY\EASEMENT02.DOC

2002 032 5002055

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03/28/2002 16:21 FAX 2084483444

PHILLIPS McCULLOUGH

004/011

03/28/2002 16:51 FAX 208 448 62

UNIT 5

004

their successors and assigns

3 This Easement may be amended or modified by agreement between Grantors and the City, provided such amended agreement shall be approved by the legislative authority of the City by ordinance

4 This Easement is made for the benefit of the City and the public, and the City may institute and prosecute any proceeding at law or in equity to enforce this Easement

5 In the event any covenant or condition contained in this Easement or any portion thereof is invalid or void, such invalidity or voidness shall in no way affect any other covenant, condition or restriction contained in this Easement

Dated this 20 day of March, 2002

GRANTORS

1700 SEVENTH L P

By CLISE VENTURE ONE LLC,
a Washington limited liability
company, its general partner

By CLISE PROPERTIES, INC., its Member

By [Signature]
Name Richard H. Swensen
Title Treasurer

HOUSING RESOURCES GROUP

By [Signature]
Name James P. Ferris
Title Executive Director

2002 032 5802055

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03/28/2002 16:21 FAX 2064483444

PHILLIPS McCULLOUGH

005/011

03/28/2002 16:51 FAX 206 448 61

UNIT 5

005

EIGHTH & STEWART LIMITED PARTNERSHIP

By Housing Resources Group,
a Washington nonprofit corporation,
its general partner

By

Name

Title

James P. Peltis
Executive Director

2002 032 5002050

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
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03/28/2002 18:21 FAX 2084483444

PHILLIPS McCULLOUGH

008/011

03/28/2002 18:51 FAX 208 448 82

UNIT 5

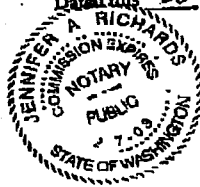
008

STATE OF WASHINGTON)

COUNTY OF KING) ss

I certify that I know or have satisfactory evidence that Richard A. Stulsen is the person who appeared before me, and said person acknowledged that said person signed this instrument, on oath stated that said person was authorized to execute the instrument and acknowledged it as the Treasurer of CLISE PROPERTIES, INC., a Washington corporation, the member of CLISE VENTURE ONE LLC, a Washington limited liability company which is the general partner of 1700 SEVENTH L.P., the limited partnership that executed the within and foregoing instrument, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument

Dated this 20 day of March, 2002



Jennifer A. Richards
Notary

(print or type name)
NOTARY PUBLIC in and for the State of
Washington, residing at 1554 2nd St
My Commission expires 2/7/03

2002 032 5002059

03/28/2002 16:21 FAX 2064483444

03/28/2002 16:51 FAX 206 448 81

PHILLIPS McCULLOUGH

UNIT 5

007/011

007

STATE OF WASHINGTON)
) ss
COUNTY OF KING)

I certify that I know or have satisfactory evidence that James P. Ferris is the person who appeared before me, and said person acknowledged that said person signed this instrument, on oath stated that said person was authorized to execute the instrument and acknowledged it as the Exec. Dir. of HOUSING RESOURCES GROUP, a corporation, to be the free and voluntary act of such company for the uses and purposes mentioned in the instrument

Dated this 18th day of March, 2002



Sarah Rick Lewontin

Sarah Rick Lewontin
(print or type name)

NOTARY PUBLIC in and for the State of
Washington, residing at Seattle
My Commission expires 20 May 2005

[Seal or Stamp]

2002 032 5802059

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03/28/2002 16:22 FAX 2084483444
03/28/2002 16:51 FAX 208 448 024

PHILLIPS McCULLOUGH
UNIT 5

008/011
008

STATE OF WASHINGTON)
COUNTY OF KING) ss

I certify that I know or have satisfactory evidence that James P. Ferris is the person who appeared before me, and said person acknowledged that said person signed this instrument, on oath stated that said person was authorized to execute the instrument and acknowledged it as the Exec. Dir. of HOUSING RESOURCES GROUP, a corporation, which is a General Partner of EIGHTH & STEWART LIMITED PARTNERSHIP, the limited partnership that executed the within and foregoing instrument, to be the free and voluntary act of such partnership for the uses and purposes mentioned in the instrument

Dated this 18th day of March, 2002



2002 032 5002050

[Seal or Stamp]

Sarah Rick Lewington
(print or type name)
NOTARY PUBLIC in and for the State of
Washington, residing at Seattle
My Commission expires 30 May 2005

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
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03/26/2002 18:22 FAX 2064483444

PHILLIPS McCULLOUGH

03/26/2002 16:51 FAX 206 448 624

UNIT 5

008/011
009

EXHIBIT A TO
ALLEY ACCESS EASEMENT

LEGAL DESCRIPTION OF OFFICE PARCEL

LOTS 1, 2, 3, 4, 5 AND 6, BLOCK 5, PLAT OF AN ADDITION TO THE TOWN OF SEATTLE AS LAID OFF BY THE HEIRS OF SARAH A. BELL, DECEASED (COMMONLY KNOWN AS HEIRS OF SARAH A. BELL'S ADDITION TO THE CITY OF SEATTLE), ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 1 OF PLATS, PAGE 103, IN KING COUNTY, WASHINGTON,

EXCEPT THE NORTHWESTERLY 7 FEET OF SAID LOT 6, CONDEMNED IN KING COUNTY SUPERIOR COURT CAUSE NUMBER 58229 FOR STEWART STREET AS PROVIDED BY ORDINANCE NUMBER 14831 OF THE CITY OF SEATTLE

SITUATE IN THE CITY OF SEATTLE, COUNTY OF KING, STATE OF WASHINGTON

2002 032 5002050

NOTICE
IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
IT IS DUE TO THE QUALITY OF THE DOCUMENT.

010/011
010

EXH. 71B TO
ALLEY ACCESS EASEMENT

LEGAL DESCRIPTION OF HOUSING PARCEL

LOTS 7 AND 8, BLOCK 5, PLAT OF AN ADDITION TO THE CITY OF SEATTLE AS LAID OFF BY THE HEIRS OF SARAH A. BELL, DECEASED (COMMONLY KNOWN AS HEIRS OF SARAH A. BELL'S ADDITION TO THE CITY OF SEATTLE), AS PER PLAT THEREOF, RECORDED IN VOLUME 1 OF PLATS, PAGE 103, IN KING COUNTY, WASHINGTON,

EXCEPT THE NORTHWESTERLY 7 FEET OF SAID LOT 7, CONDEMNED
IN KING COUNTY SUPERIOR COURT CAUSE NUMBER 58229 FOR THE
WIDENING OF STEWART STREET AS PROVIDED BY ORDINANCE
NUMBER 14881 OF THE CITY OF SEATTLE

SITUATE IN THE CITY OF SEATTLE, COUNTY OF KING, STATE OF WASHINGTON

2007 032 5002050

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

03/28/2002 18:22 FAX 2084483444

03/28/2002 18:51 FAX 208 448 61

PHILLIPS MCCULLOUGH
UNIT 5

011/011
011

EXHIBIT C TO
ALLEY ACCESS EASEMENT

LEGAL DESCRIPTION OF VACATED ALLEY

THAT PORTION OF BLOCK 5, HEIRS OF SARAH A. BELL'S ADDITION TO THE
CITY OF SEATTLE, VOLUME 1 OF PLATS, PAGE 103, IN KING COUNTY,
WASHINGTON, SAID PORTION BEING MORE PARTICULARLY DESCRIBED
AS FOLLOWS

ALL OF THE 16' WIDE ALLEYWAY ABUTTING LOTS 5, 6, 7 AND 8 IN SAID
BLOCK 5,
SITUATED IN KING COUNTY, WASHINGTON

2002 032 5002050

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Return Address:

Seattle City Clerk's Office

600 4th Avenue, Room 104

Seattle, WA 98104



20030219002215

SEATTLE CITY CLERK
PAGE 001 OF 004
02/19/2003 12:32
KING COUNTY, WA

22.00

WASHINGTON STATE RECORDER'S Cover Sheet (RCW 65.04)

Please print or type information

Document Title(s) (or transaction contained therein): (Insert Ordinance or Resolution Number here)

1. Ordinance No. 121049

FILED
CITY OF SEATTLE
2003 APR -8 AM 11:09
CITY CLERK

AN ORDINANCE vacating a portion of the alley in Block 5, Heirs of Sarah A. Bell's Addition to the City of Seattle, on the petition of Seventh and Olive, Inc. and Stewart Avenue Properties and accepting easements for traffic control devices and alley access, in connection therein, (Clerk File 302587).

Grantor(s)

- ☐ 1. City of Seattle
☐ Additional names on page ___ of document.

Grantee(s) (Last name first, then first name and initials)

- ☐ 1. N/A
☐ 2.
☐ 3.

Legal description (abbreviated: i.e. lot, block, plat or section, township, range)

- ☐ Additional reference #'s on page ___ of document
☐ N/A

Assessor's Property Tax Parcel/Account Number

- #
☐ Assessor Tax # not yet assigned.
☒ N/A

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BlockSVacOrd
9/11/02
version #1

ORDINANCE 121049

AN ORDINANCE vacating a portion of the alley in Block 5, Heirs of Sarah A. Bell's Addition to the City of Seattle, on the petition of Seventh & Olive, Inc. and Stewart Avenue Properties and accepting easements for traffic control devices and alley access, in connection therein, (Clerk File 302587).

WHEREAS, there has been filed with the City Council the petition of Seventh & Olive and Stewart Avenue Properties (Clerk File 302587), for the vacation of a portion of the alley in Block 5, Heirs of Sarah A. Bell, as herein fully described; and

WHEREAS, following a public hearing on said petition, which commenced on October 20th, 1998, said petition was conditionally granted; and

WHEREAS, pursuant to Section 35.79.030, RCW, Seattle Municipal Code Chapter 15.62, the petitioner has paid \$125,000 to the City, which amount is one-half the appraised value of the property approved for vacation, according to an appraisal obtained by the Director of the Seattle Department of Transportation; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That

The portion of the alley described as the north 119 feet of the alley in Block 5, Heirs of Sarah A. Bell's Addition to the City of Seattle, as recorded in Volume 1 of Plats, page 103, Records of King County, Washington, being the alley in the block bounded by Olive Street, Seventh Avenue, Stewart Street, and Eighth Avenue

be and the same are hereby vacated; also RESERVING to the City of Seattle the right to make all necessary slopes for cuts or fills upon the above-described property in the reasonable original grading of any rights-of-way abutting upon said property after said vacation.

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BlockSVacOrd
9/11/02
version #1

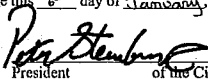
1 Section 2. That the easement for traffic control devices, Recording Number
2 20010105001610, attached hereto as Attachment A, is hereby accepted.

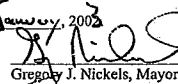
3 Section 3. That the easement for alley access, Recording Number 20020325002050,
4 copy attached hereto as Attachment B, guaranteeing public access to the vacated alley is hereby
5 accepted.

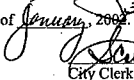
6 Section 4. That the City Clerk is hereby authorized and directed to file a copy of this
7 Ordinance at the King County Records and Elections Division, and to deliver copies of the same
8 to the Director of the Department of Design, Construction and Land Use, and to the King County
9 Assessor's Office.

10 Section 5. This ordinance shall take effect and be in force thirty (30) days from and after
11 its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days
12 after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

13
14 Passed by the City Council the 6th day of January, 2003, and signed by me in
15 open session in authentication of its passage this 6th day of January, 2003

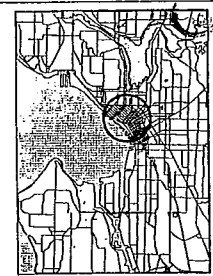
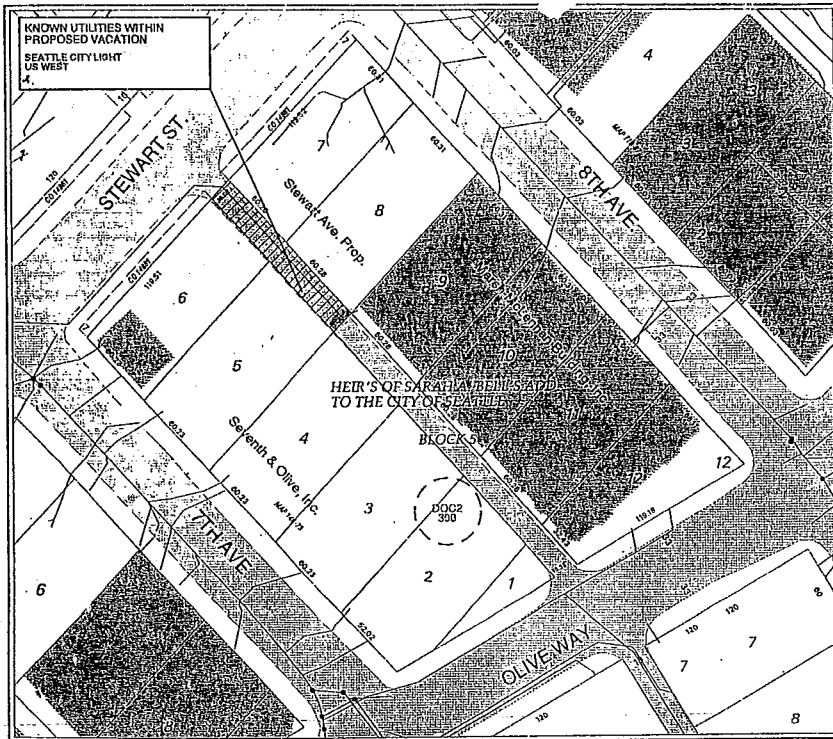
16
17 
18 President _____ of the City Council

19 Approved by me this 16 day of January, 2003
20 
21 Gregory J. Nickels, Mayor

22 Filed by me this 17th day of January, 2003
23 
24 City Clerk

25 (Seal)
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VICINITY MAP

2635

PROPOSED VACATION AREA

VACATION AREA = 1823 SQ. FT

SCALE 1"=50' KROLL 39E 1/4 SECTION NE 31-25-4

VACATION SKETCH

CITY CLERK FILE NO.	302587
VACATION PETITION NO.	3759
VALID SIGNATURES INDICATED BY	
DISPOSITION:	
APPROVED _____ DENIED _____ TERMINATED _____	
INCOMPLETE SIGNATURES INDICATED BY	
VACATION ORDINANCE NO.	DATE
MADE BY CM CHECKED BY M.S.	DATE 4-10-99

Return Address:

Seattle City Clerk's Office
600 4th Avenue, Room 104
Seattle, WA 98104



20030219002216
SEATTLE CITY CLERK
PAGE 001 OF 005
02/19/2003 12:32
KING COUNTY, WA 23.00

WASHINGTON STATE RECORDER'S Cover Sheet (RCW 65.04)

Please print or type information

Document Title(s) (or transaction contained therein): (Insert Ordinance or Resolution Number Here)

1. Ordinance No. 121050

AN ORDINANCE vacating portions of 32nd Avenue South, 34th Avenue South, South Thistle Street, South Rose Street, the alley in Block 5, Rexford's Addition and the County Road adjacent to 34th Avenue on the petition of the Seattle School District, accepting a deed for park and open space purposes and placing real property herein related under the jurisdiction of the Department of Parks and Recreation, requiring the Seattle School District to accept the responsibility for maintenance of the portion of the City sewer located beneath the District's building, and accepting a easement for utility purposes,

Grantor(s)

- ☐ 1. City of Seattle
☐ Additional names on page ___ of document.

Grantee(s) (Last name first, then first name and initials)

- ☐ 1. N/A
☐ 2.
☐ 3.

Legal description (abbreviated: i.e. lot, block, plat or section, township, range)

- ☐ Additional reference #'s on page ___ of document
☐ N/A

Assessor's Property Tax Parcel/Account Number

- #
☐ Assessor Tax # not yet assigned.
☒ N/A

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ORDINANCE 121050

AN ORDINANCE vacating portions of 32nd Avenue South, 34th Avenue South, South Thistle Street, South Rose Street, the alley in Block 5, Rexford's Addition and the County Road adjacent to 34th Avenue on the petition of the Seattle School District, accepting a deed for park and open space purposes and placing real property herein related under the jurisdiction of the Department of Parks and Recreation, requiring the Seattle School District to accept the responsibility for maintenance of the portion of the City sewer located beneath the District's building, and accepting an easement for utility purposes, (Clerk File 302398)

WHEREAS, there has been filed with the City Council the petition of the Seattle School District No. 1, (Clerk File 302398) for the vacation of portions of 32nd Avenue South, 34th Avenue South, South Thistle Street, South Rose Street and County Road adjacent to 34th Avenue South, and the alley in Block 5, Rexford's Addition as herein fully described; and

WHEREAS, following a public hearing on said petition, which commenced on December 15, 1998, said petition was conditionally granted by the City Council; and

WHEREAS, pursuant to Section 35.79.030, RCW and Seattle Municipal Code Chapter 15.62, Seattle School District paid \$67,000 and has deeded real property to the City, which the combination value is one-half the appraised value of the property approved for vacation, according to an appraisal obtained by the Director of the Seattle Department of Transportation; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That

Portion of 32nd Avenue South as established in City of Seattle Ordinance 61546, from the westerly extension of the south line of Block 13, Riverside Addition, as recorded in Volume 5 of Plats, page 92, Records of King County, Washington, to the north margin of South Thistle Street; and
Portion of South Thistle Street as established in city of Seattle Ordinance 61546, from the easterly margin of 32nd Avenue South, as established in City of Seattle Ordinance

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61546, to a line 784 feet west of and parallel with the east line of Henry Van Asselt Donation Land Claim Number 50; and
Portion of South Rose Street from 32nd Avenue South as established in City of Seattle Ordinance 61546, to a line 784 feet west of and parallel with the east line of Henry Van Asselt Donation Land Claim Number 50; and
Portion of 34th Avenue South from the westerly extension of the north line of Block 5, Rexford's 1st Addition as recorded in Volume 22 of Plats, page 80, Records of King county, Washington, to the westerly extension of the south line of said Block 5; and
Portion of County Road per deed recorded in Volume 616 O, page 489, Records of King County, Washington, adjacent to portion of 34th Avenue South as described above; and
Alley in Block 5, Rexford's Addition, as recorded in Volume 22 of Plats, page 80, Records of King County, Washington, generally described as the alley in the block bounded by Beacon Avenue South, South Rose Street, 34th Avenue South and a line 99.33 feet north of and parallel with the north margin of South Thistle Street, as established in City of Seattle Ordinance 94864;

be and the same are hereby vacated; also RESERVING to the City of Seattle the right to make all necessary slopes for cuts or fills upon the above-described property in the reasonable original grading of any rights-of-way abutting upon said property after said vacation.

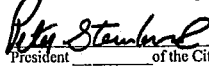
Section 2. That the deed executed by the Seattle School District on the eleventh day of September, 2002, Recording Number 20020912000332, a copy which is attached hereto as Attachment A, conveying property to the City of Seattle for open space purposes is hereby accepted, and the real property conveyed is placed under the jurisdiction of the Department of Parks and Recreation.

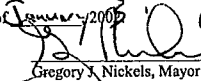
Section 3. That the utility easement for sanitary sewer facilities, Recording Number 20010521000628, attached hereto as Attachment B, is hereby accepted. The City of Seattle requires as a condition of this vacation, that the Seattle School District accept maintenance for the portion of sanitary sewer underneath the African American Academy in vacated in 34th Avenue South as agreed upon in the correspondence attached hereto as Attachment C.

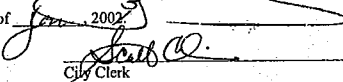
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version #2

1 Section 4. This ordinance shall take effect and be in force thirty (30) days from and after
2 its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days
3 after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

4 Passed by the City Council the 6th day of January, 2003, and signed by me in
5 open session in authentication of its passage this 14th day of January, 2003

6
7 
8 President of the City Council

9 Approved by me this 14 day of January, 2003
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11 
12 Gregory J. Nickels, Mayor

13 Filed by me this 17th day of Jan, 2003
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15 
16 City Clerk

17 (Seal)
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**COUNCIL CONDITIONS ON THE ALLEY IN BLOCK 5, HEIRS OF SARAH A. BELL,
C.F. 302587**

The City Council granted the vacation subject to the following conditions:

1. The alley vacation is granted to allow the petitioners to design and develop an office tower and housing project with ground floor retail in a manner substantially in conformity with the proposal presented to the City Council and for no other purpose.

The western building, 700 Olive Tower, which houses the mixed use office and retail space is completed. The design has conformed to the Council proposal and Seattle Design Commission recommendations. The eastern building, Stewart Court is completed. It provides about 65 units of affordable rental housing as presented to Council.

2. All utility issues shall be resolved to the full satisfaction of the affected utilities. These may include easements, restrictive covenants, relocation of the utilities, or acquisition of facilities. All work shall be at the sole expense of the petitioner and shall be performed to the satisfaction of the utilities. During construction special provisions shall be made to ensure there is no disruption of service to the Marsh and McClellan Building. The utilities include Seattle City Light, US West (now Qwest), Seattle Transportation, Puget Sound Energy.

The petitioner has resolved all utility issues related to the vacation. They have executed and recorded easements to protect affected facilities:

- Seattle City Light, Recording Number 20011128001290
- Seattle Transportation, Recording Number 20010105001610
- Puget Sound Energy, Recording Number 20020301000545
- Qwest, Recording Number 20001208001119
- The petitioner coordinated with the Marsh and McClellan Building to ensure that there was no disruption of service during construction.

3. The petitioner is encouraged to continue to work with the Seattle Jobs Initiative and to the extent feasible direct both construction activity and newly created jobs to women and minority citizens and businesses.

The petitioner worked with the Office of Economic Development and provided status reports regarding apprenticeship usage. They have directed their operational subcontractors to continue to work with Seattle Jobs Initiative as employment needs arise.

4. All street improvements and the location of street improvements such as parking ingress/egress, service and loading areas shall be designed to SeaTran standards and shall require the approval of SeaTran.

Seattle Transportation has approved the street improvements.

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5. The petitioner shall ensure that the building design at the alley entrances be compatible with the pedestrian character of the streets. This objective, as outlined in the revised plans, may be achieved by:

- Olive Way entrance: require that the building with its connection to the sidewalk extend and wrap into the alley similar to the adjacent Marsh and McLennan building.
- Stewart Street alley entrance: provide a street level use between the exit from the parking garage and the alley.

This work shall require the review and agreement of SeaTran and the Department of Design, Construction and Land Use.

The project includes façade design that extends the Olive Way treatment into the alley. A retail space is located between the exit from the parking garage and the alley on Stewart Street.

6. The petitioner shall continue to work on the streetscape surrounding the building with the goal of enhancing the pedestrian environment. This could include providing street furniture, public art, a way-finding information system, small scale design for the ground floor retail such as having entry points at 20-foot intervals, or other means to engage pedestrians, or an office lobby that invites public interaction in the building.

The petitioner has provided building design features that enhance the pedestrian environment: continuous glass canopy, special canopy lighting, detailed granite façade and main entrance paving, art windows, extensive windows to display lobby art, lobby furniture and transit information in the lobby.

7. The petitioner shall include a transit oriented commuter information center or other commuter support services in the ground floor of the structure to enhance the transit node.

The petitioner has provided transit information within the lobby and has installed signage indicating the transit information is available.

8. Alley access to the Marsh and McLennan building and to the public shall be preserved. A Property Use and Development Agreement or some other mechanism shall be required to ensure that Marsh and McLennan and the public will continue to have alley access and uninterrupted service access.

This ordinance accepts an alley access easement, Recording Number 20020325002950, preserving public access through the vacated alley and ensuring access for the Marsh and McLennan Building.

9. The proposal is to provide approximately 65 units of low and moderate-income housing.

The petitioner has signed a Joint Development Agreement with Housing Resources Group to construct, manage and own the housing project and to operate it as affordable housing. The construction was completed this summer.

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City of Seattle

Gregory J. Nickels, Mayor

Office of the Mayor

October 21, 2002

Honorable Peter Steinbrueck
President
Seattle City Council
Municipal Building, 11th Floor

Dear Council President Steinbrueck:

The attached ordinance vacates the north 119 feet of the alley in Block 5, Heirs of Sarah A. Bell's Addition to the City of Seattle (Clerk File 302587), being the northerly portion of the alley bounded by Stewart Street, Eighth Avenue, Olive Way and Seventh Avenue. The petition was filed by Seventh Avenue and Olive, Inc., and Stewart Avenue Properties for a mixed use office, retail and housing project. The City Council granted conditional approval of the vacation in 1998. This legislation also accepts related traffic control and alley access easements.

The project includes two separate buildings, one on each side of the alley. The building on the western half of the block, the 700 Olive Tower, consists of approximately 555,000 square feet of office and retail space and underground parking capacity for about 570 vehicles. The principal tenant is Nordstrom.

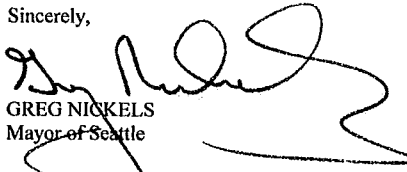
The second building, Stewart Court, consists of 45,000 square feet of residential space and 8,600 square feet of retail space plus underground parking for about 50 vehicles. The building will provide about 65 units of affordable rental housing.

The list of vacation conditions and their satisfaction are attached to the cover letter.

The petitioner has satisfied all the conditions and has paid all fees, including the street vacation fee of \$125,000 which is one half of the appraised value of the property.

Thank you for your consideration of this legislation. Should you have questions please contact Moira Gray at 684-8272.

Sincerely,


GREG NICKELS
Mayor of Seattle

cc: Honorable Members of the Seattle City Council



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STATE OF WASHINGTON - KING COUNTY

--SS.

154246
City of Seattle, Clerk's Office

No. ORDINANCE IN FULL

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:ORDINANCE 121049

was published on

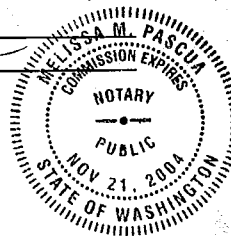
1/29/2003

J. Hedman
Subscribed and sworn to before me on

1/29/2003

Melissa M. Pascua
Notary public for the State of Washington,
residing in Seattle

Affidavit of Publication



State of Washington, King County

City of Seattle

ORDINANCE 121049

AN ORDINANCE vacating a portion of the alley in Block 5, Heirs of Sarah A. Bell's Addition to the City of Seattle, on the petition of Seventh & Olive, Inc., Inc. and Stewart Avenue Properties and accepting easements for traffic control devices and alley access, in connection therein, (Clerk File 302587).

WHEREAS, there has been filed with the City Council the petition of Seventh & Olive and Stewart Avenue Properties (Clerk File 302587), for the vacation of a portion of the alley in Block 5, Heirs of Sarah A. Bell, as herein fully described; and

WHEREAS, following a public hearing on said petition, which commenced on October

20th, 1998, said petition was conditionally granted; and

WHEREAS, pursuant to Section 35.79.030, RCW, Seattle Municipal Code Chapter 16.52, the petitioner has paid \$125,000 to the City, which amount is one-half the appraised value of the property approved for vacation, according to an appraisal obtained by the Director of the Seattle Department of Transportation; NOW THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That

The portion of the alley described as the north 110 feet of the alley in Block 5, Heirs of Sarah A. Bell's Addition to the City of Seattle, as recorded in Volume 1 of Plats, page 103, Records of King County,

Washington, being the alley in the block bounded by Olive Street, Seventh Avenue, Stewart Street, and Eighth Avenue

be and the same are hereby vacated; also RESERVING to the City of Seattle the right to make all necessary slopes for cuts or fills upon the above-described property in the reasonable original grading of any rights-of-way abutting upon said property after said vacation.

Section 2. That the easement for traffic control devices, Recording Number 20010105001610, attached hereto as Attachment A, is hereby accepted.

Section 3. That the easement for alley access, Recording Number 20020325002050, copy attached hereto as Attachment B, guaranteeing public access to the vacated alley is hereby accepted.

Section 4. That the City Clerk is hereby authorized and directed to file a copy of this Ordinance at the King County Records and Elections Division, and to deliver copies of the same to the Director of the Department of Design, Construction and Land Use, and to the King County Assessor's Office.

Section 5. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided in Municipal Code Section 1.04.020.

Passed by the City Council the 6th day of January, 2003, and signed by me in open session in authentication of its passage this 6th day January, 2003.

PETER STEINBRUECK,
President of the City Council.

Approved by me this 16th day of January, 2003.

GREGORY J. NICKELS,
Mayor.

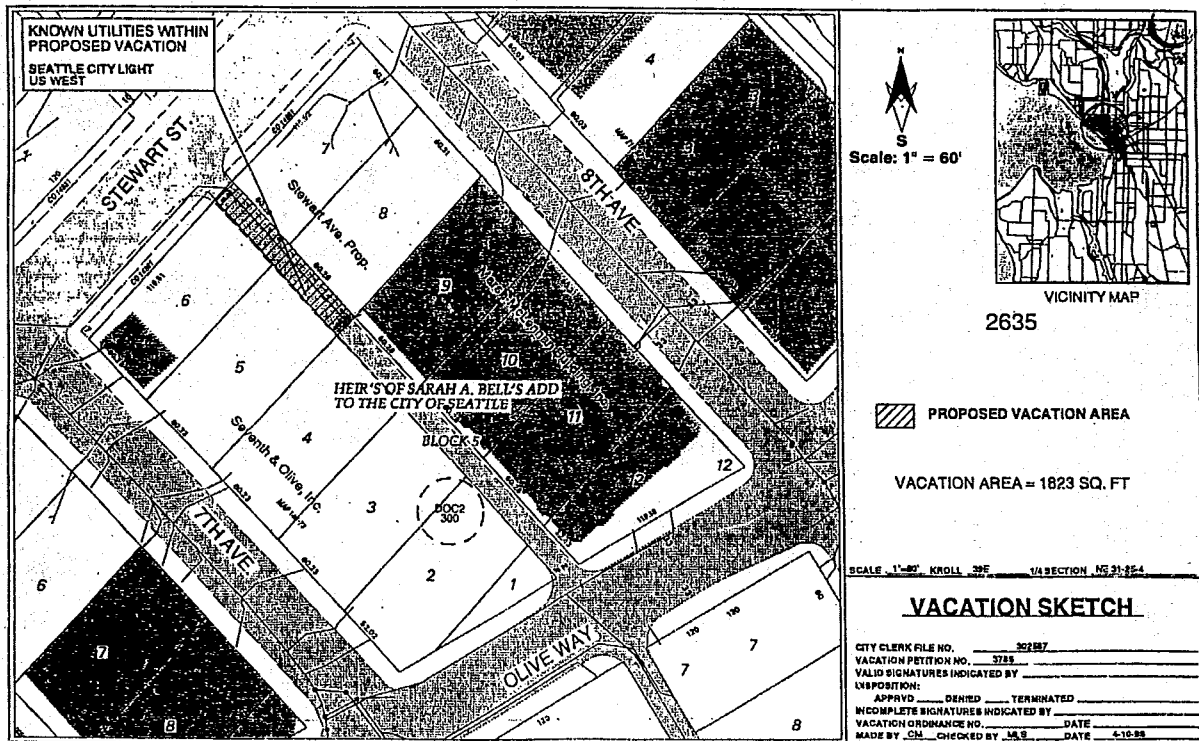
Filed by me this 17th day of January, 2003.

(Seal) SCOTT CLINE,
City Clerk.

Publication ordered by JUDITH PIPPIN,
City Clerk.

Date of publication in the Seattle Daily Journal of Commerce, January 29, 2003.

1/29(154248)



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